(35)

23/10/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6277 of 2007

PETITIONERS

1 Krishna lal Patel, S/o Bhagwat Prasad Patel, Aged about 46 years, Assistant Teacher Janpad Prathmik Shala, Purena (Budha) Block – Dabhara, District Janjgir Champa (C.G.)

2 Kartik Kumar Patel, S/o Karamchand Patel, Aged about 47 years, Assistant Teacher, Govt. Primary School, Dhourabhata, Block Dabhara, District Janjgir-Champa (C.G.)

3 Vijay Shankar Puri, S/o. Shambhu Puri, Aged about – 48 years, Assistant Teacher Govt. Girls Primary School, Chandrapur, Block Dabhara, District Janjgir Champa (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through : The Secretary, School Education Department, D.K.S. Bhawan, Raipur, District- Raipur (C.G.)

2 Director Public Instructions, D.K.S. Bhawan, Raipur, District – Raipur (C.G.)

3 District Education Officer, District District Janjgir-Champa (C.G.)

4 Block Education Officer, Dabhara, District Janjgir Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri D.R. Patel, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State/ respondents on advance copy.

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(36)

ORAL ORDER
(15.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

vath